



U.S. Army Corps
of Engineers

Public Notice

In Reply to Application Number
CENAB-OP-RMN(MD SHA/MD237: MD235 TO PEGG RD) 07-61250-12

PN07-47

Comment Period: June 26, 2007 to July 26, 2007

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army Permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Maryland State Highway Administration
ATTN: Mrs. Susan M. Ridenour, Chief
Environmental Programs Division
707 North Calvert Street
Baltimore, Maryland 21202

LOCATION: MD237 in Lexington Park, St. Mary's County, Maryland.

WORK: The Maryland State Highway Administration (SHA) is requesting authorization to impact Waters of the United States, including jurisdictional wetlands associated with proposed improvements to MD237 from MD 235 to south of Pegg Road located in St. Mary's County, Maryland.

The proposed improvements to MD237 would include upgrading and widening the existing facility from a two-lane roadway to a four-lane divided highway, with median turn lanes and intersection channelization, between MD235 and Pegg Road. Other improvements to the facility would include; resurfacing, reconstruction of side streets, driveway entrance tie-ins, a new closed drainage system, stormwater management facilities, noise barriers, the replacement of the existing crossing at Jarboesville Run (as described below), landscaping, signing, marking, intersection signalization, sidewalks, bicycle lanes and, utility relocations.

The existing triple cell culvert crossing that conveys Jarboesville Run, a tributary to St. Mary's River, is in poor condition and is the cause of roadway flooding during storm events. SHA proposes to replace the crossing with a twin cell box culvert that would raise the elevation of the roadway to abate flooding. The new culvert system would also accommodate the passage wildlife and most fish species. The replacement of the existing crossing would result in impacts to 212 linear feet of Jarboesville Run where 80 linear feet of the stream would be impacted by the new structure and 132 linear feet would be impacted from the emplacement of rock ramps at each end of the culvert.

The implementation of the proposed improvements would result in impacts to Waters of the United States, including jurisdictional wetlands where: (a) Approximately 7,005 square feet (0.161 acres) of forested wetlands, 169 square feet (0.004 acres) of emergent wetlands, and, 998 linear feet (0.22 acres) of streams would be permanently impacted. (b) Approximately 21,818 square feet (0.50

acres) of forested wetlands, 221 square feet (0.005 acres) of emergent wetlands, 671 linear feet (0.12 acres) of streams, and, 180 square feet (0.004 acres) of open water would be temporarily impacted. All work would be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact Mr. Steve Elinsky of this office at 410.962.4503.

Should the proposed improvements be authorized, SHA would be required to provide compensatory mitigation for all permanent impacts to Waters of the United States, including jurisdictional wetlands. SHA has proposed the provision of the required mitigation for impacts to jurisdictional wetlands by utilizing the advanced mitigation credit that has been established at the Albaugh Property which is located in Valley Lee, Maryland, approximately 5 miles southwest of the project area, to the south of Drayden Road and east of Piney Point Road. Wetlands available for use as wetland mitigation at the Albaugh Property include 8.33 acres of forested wetlands and 1.76 acres of emergent wetlands have been created.

Compensatory mitigation for permanent impacts to streams would be provided by SHA by planting either 1.4 acres of floodplain that is currently not forested or providing 1,200 linear feet of riparian buffer plantings within the St. Mary's River watershed.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials: Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Montgomery Park Business, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230, within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715,

Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicated the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

A handwritten signature in black ink, appearing to read "V. G. Hobbs", is positioned above the printed name.

VANCE G. HOBBS
Chief, Maryland Section Northern